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To:	General Secretariat of the Council

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Subject:	Commission Regulation (EU) .../... of XXX amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants

Delegations will find attached document D041696/01.

Encl.: D041696/01



Brussels, **XXX**
D041696/01
[...] (2015) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Annexes IV and V to Regulation (EC) No 850/2004 of the European
Parliament and of the Council on persistent organic pollutants**

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC¹, and in particular Article 7(4)(a) and (5) and Article 14(2) and (4) thereof,

Whereas:

- (1) Regulation (EC) No 850/2004 implements in the law of the Union the commitments set out in the Stockholm Convention on Persistent Organic Pollutants (hereinafter "the Convention") approved by Council Decision 2006/507/EC² on behalf of the Community, and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants approved by Council Decision 2004/259/EC³, on behalf of the Community.
- (2) At the sixth meeting of the Conference of the Parties to the Convention from 28 April to 10 May 2013, it was agreed to add hexabromocyclododecane (hereinafter "HBCDD") to Annex A (elimination) to the Convention. The elimination of HBCDD under the Convention was, however, made subject to a specific exemption, namely the use of HBCDD in expanded polystyrene and extruded polystyrene in buildings and the production of HBCDD for that purpose.
- (3) In view of the amendment of the Convention, it is necessary to amend Annexes IV and V to Regulation (EC) No 850/2004, adding HBCDD to the annexes and indicating the corresponding concentration limits, in order to ensure that wastes containing HBCDD are managed in accordance with the provisions of the Convention. HBCDD should be listed in Annexes IV and V to Regulation (EC) No 850/2004.
- (4) The proposed concentration limits in Annexes IV and V to Regulation (EC) No 850/2004 have been set applying the same methodology that was used for establishing

¹ OJ L 158, 30.4.2004, p. 7.

² Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).

³ Council Decision 259/2004/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.02.2004, p. 35).

the limit values in previous amendments of Annexes IV and V⁴. The proposed concentration limits are considered the most appropriate to ensure a high level of protection of human health and the environment in view of the destruction or irreversible transformation of HBCDD. In order to take account of technical developments, and in particular of the review of the technical guidelines⁵ of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the concentration limit in Annex IV should be reviewed by the Commission within three years of the date of entry into force of this Regulation with a view to lowering the threshold.

- (5) In order to allow companies and competent authorities sufficient time to adapt to the new requirements, this Regulation should apply only from six months after the date of publication.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council⁶,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IV and V to Regulation (EC) No 850/2004 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the **twentieth** day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [***Date to be filled in by PO: six months after the date of publication***].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁴ Council Regulation (EC) No 1195/2006 of 18 July 2006 amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants (OJ L 217, 8.8.2006, p. 1), Council Regulation (EC) No 172/2007 of 16 February 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants (OJ L 55, 23.2.2007, p. 1), Commission Regulation (EU) No 756/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V (OJ L 223, 25.8.2010, p. 20) and Commission Regulation (EU) No 1342/2014 of 17 December 2014 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V (OJ L 363, 18.12.2014, p. 67).

⁵ Decision BC-12/3

⁶ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER